

IN THE CLAIMS:

1. (Currently amended) A tamper tool assembly having a pivoting handle assembly, the tamper tool assembly comprising:
 - an elongated handle having a collar attached to a distal end;
 - a tamping base having an upper surface and a lower surface; and
 - wherein the housing member ~~comprises a plurality of~~ includes at least two clamping surfaces ~~formed 90 degrees apart, the at least two clamping surfaces each matable with the collar to retain the handle in a first or second position relative to the base,~~
~~and a joint configured to pivotally receive the elongated handle.~~
2. (Original) The tamper tool assembly of claim 1, wherein the collar is threadably attached to the distal end of the elongated handle.
3. (Original) The tamper tool assembly of claim 1, wherein the handle can pivot between an operational position and a storage position.
4. (Original) The tamper tool assembly of claim 3, wherein the operational position comprises the longitudinal axis of the handle being oriented substantially perpendicular to the lower surface of the tamping base.
5. (Original) The tamper tool assembly of claim 3, wherein the storage position comprises the longitudinal axis of the handle being oriented substantially parallel to the lower surface of the tamping base.
6. (Original) The tamper tool assembly of claim 1, wherein the housing member is disposed substantially in the center of the tamping base.
7. (Original) The tamper tool assembly of claim 1, wherein the lower surface of the tamping base comprises a planar four-sided surface.

8. (Original) The tamper tool assembly of claim 1, wherein the joint comprises a pivot bolt disposed through the housing member and the distal end of the handle.

9. (Original) The tamper tool assembly of claim 8, wherein the handle further comprises a an angled slot formed on the distal end thereof for receiving the pivot bolt and for camming the handle against an inner wall of the housing member.

10. (Cancelled)

11. (Currently Amended) The tamper tool assembly of claim 1[[0]], wherein a washer assembly is disposed between the collar and the ~~plurality of at least two~~ clamping surfaces and serves to increase the rigidity of the.

12. (Currently Amended) The tamper tool assembly of claim 11, wherein the washer assembly comprises a ~~Teflon~~ washer constructed of a material having a low coefficient of friction and is disposed between two steel washers.

13. (Currently Amended) The tamper tool assembly of claim 1[[0]], wherein a roller thrust bearing is disposed between the collar and the ~~at least two~~ ~~plurality of~~ clamping surfaces and serves to increase the rigidity of the joint.

14. (Original) The tamper tool assembly of claim 1, wherein the tamping base comprises a plurality of reinforcement members.

15. (Currently Amended) The tamper tool assembly of claim 1, wherein the handle comprises a two-part construction having ~~a first~~ an upper and ~~a second~~ a lower member, each member being manufactured from a different material.

16. (Original) The tamper tool assembly of claim 15, wherein the first member is disposed adjacent the housing member and comprises a threaded portion.

17. (Original) The tamper tool assembly of claim 16, wherein the first member is manufactured from aluminum or steel, and the second member is manufactured from wood, fiberglass, or metal.

18. (Currently Amended) A tamper tool assembly having a pivoting handle assembly, the tamper tool assembly comprising:

an elongated handle having a collar threadably attached to a distal end;

a tamping base having an upper surface and a four-sided, planar lower surface; and

a housing member disposed on the upper surface of the tamping base, wherein the housing member ~~comprises a plurality of~~ includes at least two clamping surfaces ~~formed 90 degrees apart, the at least two clamping surfaces each matable with the collar to retain the handle in a first or second position relative to the base and a joint configured to pivotally receive the elongated handle.~~

19. (Original) The tamper tool assembly of claim 18, wherein the handle can pivot between a first position and a second position.

20. (Original) The tamper tool assembly of claim 19, wherein the first position comprises an operational position, wherein the longitudinal axis of the handle is oriented substantially perpendicular to the lower surface of the tamping base.

21. (Original) The tamper tool assembly of claim 18, wherein the housing member is disposed substantially in the center of the tamping base.

22. (Original) The tamper tool assembly of claim 18, wherein the joint comprises a pivot bolt disposed through the housing member and the distal end of the handle.

23. (Cancelled)

24. (Currently Amended) The tamper tool assembly of claim 18, wherein a washer assembly is disposed between the collar and the ~~plurality of~~ at least two clamping surfaces and serves to increase the rigidity of the joint.

25. (Currently Amended) A tamper tool assembly having a pivoting handle, the tamper tool assembly comprising:

an elongated handle having a collar threadably attached to a distal end;

a tamping base having an upper surface and a lower surface; and

a housing member disposed substantially in the center of the upper surface of the tamping base, wherein the housing member ~~comprises a plurality of~~ includes at least two clamping surfaces ~~formed 90 degrees apart, the at least two clamping surfaces each matable with the collar to retain the handle in a first or second position relative to the base and a joint configured to pivotally receive the elongated handle.~~

26. (Original) The tamper tool assembly of claim 25, wherein the handle can pivot between an operational position and a storage position.

27. (Original) The tamper tool assembly of claim 26, wherein the operational position comprises the longitudinal axis of the handle being oriented substantially perpendicular to the lower surface of the tamping base.

28. (Original) The tamper tool assembly of claim 25, wherein the joint comprises a pivot bolt disposed through the housing member and the distal end of the handle.

29. (Original) The tamper tool assembly of claim 25, wherein the collar is disposed adjacent to the plurality of clamping surfaces.

30. (Currently Amended) The tamper tool assembly of claim 29, wherein a washer assembly is disposed between the collar and the ~~plurality of~~ clamping surfaces ~~and serves to increase the rigidity of the joint.~~

31 - 35. (Cancelled)

36. (Currently Amended) A tamper tool assembly having a pivoting handle assembly, the tamper tool assembly comprising:

an elongated handle having an engagement means disposed at a distal end;

a tamping base having an upper surface and a lower surface; and
a housing member disposed on the upper surface of the tamping base,
wherein the housing member ~~comprises a plurality of~~ includes at least two clamping
surfaces formed 90 degrees apart and a joint configured to pivotally receive the
elongated handle.

37. (Original) The tamper tool assembly of claim 36, wherein the engagement
means comprises a collar.

38. (Cancelled)

39. (New) The tamper tool assembly of claim 1, wherein the collar is axially
movable relative to the handle.